

84TH CONGRESS
1ST SESSION

H. R. 5096

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1955

Mr. KEATING introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the admission into evidence in certain criminal proceedings of information intercepted in national security investigations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That information obtained prior to the effective date of this
4 Act by the Director of the Federal Bureau of Investigation
5 of the Department of Justice; the Assistant Chief of Staff,
6 G-2 of the Army General Staff, Department of the Army;
7 the Director of Intelligence, Department of the Air Force;
8 and the Director of Naval Intelligence, Department of the
9 Navy, through or as a result of the interception of any com-
10 munication by wire or radio upon the express written ap-

1 proval of the Attorney General of the United States and in
2 the course of any investigation to detect or prevent any inter-
3 ference with or endangering of, or any plans or attempts to
4 interfere with or endanger, the national security or defense
5 of the United States by treason, sabotage, espionage, sedition,
6 seditious conspiracy, violations of chapter 115 of title 18 of
7 the United States Code, violations of the Internal Security
8 Act of 1950 (64 Stat. 987), violations of the Atomic Energy
9 Act of 1946 (60 Stat. 755), as amended, and conspiracies
10 involving any of the foregoing, shall, notwithstanding the
11 provisions of section 605 of the Communications Act of 1934
12 (48 Stat. 1103), be deemed admissible, if not otherwise
13 inadmissible, in evidence in any criminal proceedings in any
14 court established by Act of Congress, but only in criminal
15 cases involving any of the foregoing violations.

16 SEC. 2. That information obtained after the effective
17 date of this Act by the Director of the Federal Bureau of
18 Investigation of the Department of Justice; the Assistant
19 Chief of Staff, G-2 of the Army General Staff, Department of
20 the Army; the Director of Intelligence, Department of the
21 Air Force; and the Director of Naval Intelligence, Depart-
22 ment of the Navy, through or as a result of the interception
23 of any communication by wire or radio upon the express
24 written approval of the Attorney General of the United
25 States and in the course of any investigation to detect or

1 prevent any interference with or endangering of, or any plans
2 or attempts to interfere with or endanger, the national secu-
3 rity or defense of the United States by treason, sabotage,
4 espionage, sedition, seditious conspiracy, violations of chapter
5 115 of title 18 of the United States Code, violations of the
6 Internal Security Act of 1950 (64 Stat. 987), violations
7 of the Atomic Energy Act of 1946 (60 Stat. 755), as
8 amended, and conspiracies involving any of the foregoing,
9 shall, notwithstanding the provisions of section 605 of the
10 Communications Act of 1934 (48 Stat. 1103), be deemed
11 admissible, if not otherwise inadmissible, in evidence in any
12 criminal proceedings in any court established by Act of
13 Congress, but only in criminal cases involving any of the
14 foregoing violations: *Provided*, That prior to intercepting the
15 communications from which the information is obtained, an
16 authorized agent of any one of said investigatorial agencies
17 shall have been issued an ex parte order by a judge of any
18 United States Court of Appeals or a United States district
19 court, authorizing the agent to intercept such communications.
20 Upon application by any authorized agent of any one of said
21 investigatorial agencies to intercept communications in the
22 conduct of investigations pursuant to this section, a judge of
23 any United States Court of Appeals or a United States
24 district court may issue an ex parte order, signed by the
25 judge with his title of office, authorizing the applicant to

1 intercept such communications, if the judge is satisfied that
2 there is reasonable cause to believe that such crime or crimes
3 have been or are about to be committed and that the com-
4 munications may contain information which would assist in
5 the conduct of such investigations.

6 SEC. 3. No person shall divulge, publish, or use the
7 existence, contents, substance, purport, or meaning of any
8 information contained in any aforesaid ex parte order or
9 obtained pursuant to the provisions of this Act otherwise
10 than for the purpose hereinbefore enumerated.

✓ 11 SEC. 4. No person shall intercept or attempt to inter-
12 cept any communication by wire or radio, not being author-
13 ized in advance by the sender or the recipient thereof, except
14 (1) authorized agents of the United States seeking evidence
15 in accordance with the provisions of this Act, (2) author-
16 ized agents of the Federal Bureau of Investigation seeking
17 to detect or prevent any felony as defined in chapter 1 of
18 title 18 of the United States Code, or (3) authorized agents
19 of any State, Territory, or possession of the United States
20 acting by authority of a law of such State, Territory, or
21 possession.

22 SEC. 5. Any person who willfully and knowingly vio-
23 lates any provisions of this Act shall be fined not more than
24 \$5,000 or imprisoned not more than one year and a day, or
25 both.

1 SEC. 6. All carriers subject to the Communications Act
2 of 1934 (48 Stat. 1103) are hereby authorized to permit
3 such interception and disclosure of any such communications
4 by wire or radio.

5 SEC. 7. If any provision of this section or the applica-
6 tion of such provision to any circumstance shall be held in-
7 valid, the validity of the remainder of this section and the
8 applicability of such provision to other circumstances shall
9 not be affected thereby.

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